



Entered on Docket
August 16, 2007

A handwritten signature in black ink, appearing to read "G.W. Zive".

Hon. Gregg W. Zive
United States Bankruptcy Judge

JANET L. CHUBB, ESQ.
Nevada Bar #176
LOUIS M. BUBALA III, ESQ.
Nevada Bar # 8974
JONES VARGAS
100 W. Liberty St, 12th Floor
P.O. Box 281
Reno, NV 89504-0281
Telephone: (775) 786-5000
Fax: 775-786-1177
Email: jlc@jonesvargas.com
and tbw@jonesvargas.com
lbubala@jonesvargas.com

Attorneys for
KOHL'S DEPARTMENT STORES, INC.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re

PTI HOLDING CORP., et al.,

Debtors.

Case Nos. 06-50140 through 06-50146

Administratively consolidated under:
Case No. BK-N-06-50140-GWZ
Chapter 11

LONDON FOG GROUP, INC. and PACIFIC
TRAIL, INC.,

Plaintiffs,

vs.

KOHL'S DEPARTMENT STORES, INC.,

Defendant.

Adversary No. BK-N-07-05066-GWZ

**ORDER RE: KOHL'S
DEPARTMENT STORES, INC.'S
MOTION TO DISMISS**

Hearing Dates: August 9, 2007. 1:00 p.m.
July 26, 2007, 10:00 a.m.

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

1 Hearings were held on July 26, 2007 at 10:00 a.m. and August 9, 2007, at 1:00 p.m.,
2 regarding the Motion to Dismiss filed by Defendant Kohl's Department Stores, Inc., at which Alan
3 D. Smith, Esq., Brian A. Jennings, Esq., Stephen R. Harris, Esq. (July 26 only), and Marvin
4 Toland appeared on behalf of the Plaintiffs; and Louis M. Bubala III, Esq. and Janet L. Chubb,
5 Esq. (July 26 only) appeared on behalf of the Defendant. After considering the arguments of
6 counsel for both the Plaintiffs and the Defendant, the Court made findings of fact and conclusions
7 of law on the record at both hearings and further finds that:

- 8 1. This is a pre-petition dispute not subject to mandatory venue, 28 U.S.C. §1409(d);
9 2. This proceeding does not constitute a core proceeding for turnover, 28 U.S.C. §
10 157(2)(b)(E); and
11 3. It is not unreasonable to enforce the venue-selection clause in the parties' contract,
12 *Bremen v. Zapata Off-Shore Co.*, 407 U.S. 1, 10 (1972).

13 Therefore,

14 IT IS HEREBY ORDERED that:

- 15 1. The Motion to Dismiss for improper venue pursuant to 28 U.S.C. §1409(d) is
16 DENIED.
17 2. The Motion to Dismiss for improper venue pursuant to Federal Rule of Bankruptcy
18 Procedure 7012, incorporating Federal Rule of Civil Procedure 12(b)(3), (6), is DENIED.

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1 3. This non-core proceeding is TRANSFERRED to the United States District Court
2 for the Eastern District of Wisconsin, pursuant to the parties' contractual venue-selection clause
3 and 28 U.S.C. §1412.

4 4. The Court's findings of fact and conclusions of law stated on the record at both
5 hearings are incorporated herein pursuant to Federal Rules of Civil Procedure Rule 52 as made
6 applicable by Federal Rules of Bankruptcy Procedure Rule 7052.

7 Prepared and Submitted by:

8 Dated this 13th day of August, 2007.

9 JONES VARGAS

10 By: /s/ Louis M. Bubala III
11 LOUIS M. BUBALA III

12 Attorneys for Defendant KOHL'S
13 DEPARTMENT STORES, INC.

APPROVED/DISAPPROVED:

Dated this 13th day of August, 2007.

PERKINS COIE LLP

By: /s/ Brian A. Jennings
 BRIAN A. JENNINGS

Attorneys for Plaintiff LONDON FOG
GROUP, INC. and PACIFIC TRAIL, INC.

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JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

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